

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**AT CHATTANOOGA**

**KASEY and KIMBERLY BROWN,**

**Plaintiffs,**

**v.**

**STATE FARM FIRE AND CASUALTY  
COMPANY,**

**Defendant.**

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**No. \_\_\_\_\_**

**NOTICE OF REMOVAL**

Defendant, State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice that it is removing this civil action from the Circuit Court for McMinn County, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville.

1. On May 30, 2014, Plaintiffs Kasey and Kimberly Brown commenced this civil action against Defendant State Farm in the Chancery Court for Jefferson County, Tennessee, Case No. 14-CV-59. Attached hereto is as **Exhibit A** is a copy of the Complaint which represents the entire contents of the state court file. The service of summons and Complaint is the first notice State Farm received regarding the commencement of this action.

2. Upon information and belief, Plaintiffs are Tennessee residents. Plaintiffs further alleges damages for breach of contract stemming from Plaintiffs’ contract for insurance for property located at 164 County Road 270, Niota, Tennessee.

3. Plaintiffs’ Complaint states that they seek \$150,000.00 in damages and an additional 25% bad faith penalty, along with attorney’s fees. Accordingly, the damages sought

by the Plaintiffs are well in excess of the \$75,000.00 statutory threshold requirement for removal.

4. State Farm is a corporation organized and existing under the laws of Illinois with its principal place of business in the State of Illinois.

5. This Court has jurisdiction over the claims in the Complaint pursuant to 28 U.S.C. 1332 (diversity) because there is complete diversity between the Plaintiff and the Defendant.

6. This notice of removal is being filed within thirty days of May 30, 2014, the date on which Complaint was filed. Thus, this notice of removal is filed within thirty days after State Farm first received a copy of the initial pleading setting forth the claims for relief.

7. Pursuant to 28 U.S.C. § 1446(d), State Farm will promptly give notice of this notice of removal to the Clerk of McMinn County Circuit Court and to counsel for Plaintiffs in the state court proceeding. The giving of such notice will effect this removal pursuant to 28 U.S.C. § 1446(b). A copy of the state court notice is attached as **Exhibit B**.

8. By removing this action, State Farm does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

WHEREFORE, State Farm requests that further proceedings of the McMinn County Circuit Court be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted this 13<sup>th</sup> day of June, 2014.

**PAINE, TARWATER, and BICKERS, LLP**

/s/ Matthew J. Evans

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Matthew J. Evans (BPR #017973)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served via U.S. Mail, postage prepaid, upon the following:

Matthew G. Coleman  
P.O. Box 191  
Cleveland, Tennessee 37364-0191  
[mcoleman@loganthompsonlaw.com](mailto:mcoleman@loganthompsonlaw.com)

This the 13<sup>th</sup> day of June, 2014.

/s/ Matthew J. Evans